

Patrick McMahon, WSBA #18809
Attorney for Defendants
Carlson & McMahon, PLLC
715 Washington Street
P.O. Box 2965
Wenatchee, WA 98807-2965
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The Honorable Thomas O. Rice

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MILAN RICHARD HAVLIK, JR.,

Plaintiff,

v.

BILL ROBERTS, TAMMI DENNEY
and RANDAL CLINE,

Defendants.

NO. 2:22-cv-00096-TOR

**DECLARATION OF PATRICK
MCMAHON SUPPORTING
DEFENDANTS' RESPONSE
TO PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT
(ECF NO. 41)**

**Noted for Hearing On:
November 14, 2022
Without Oral Argument**

I, PATRICK MCMAHON, Declare pursuant to the penalty of perjury under the laws of the State of Washington that the following is true and correct.

1. I am an attorney at law licensed to practice law in the State of Washington, as well as licensed to practice in the Federal District Court for the

DECLARATION OF PATRICK
MCMAHON

Page 1

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1 Eastern District of Washington. Further, I am competent to testify to the matters
2 set forth herein and testify based on my personal knowledge.
3

4 2. I am the attorney of record for Defendants TAMMI DENNEY, BILL
5 ROBERTS, and RANDAL CLINE, and am authorized by my clients to submit
6 this Declaration.
7

8
9 3. On October 13, 2022, Plaintiff filed ECF No. 41 as a Motion for
10 Default Judgment based on the assertion that proper compliance with this Court's
11 Order ECF No. 31, was not complied with.
12

13 4. Attached as **Exhibit No. 1**, and incorporated herein as if fully set
14 forth, is a true and accurate copy of an email from Reagan K. Schraner of the
15 US Marshals Service, dated October 17, 2022, indicating that any error or
16 confusion regarding waiver of service has been remedied and the correct waivers
17 will be filed with the Court.
18
19
20

21 Dated this 17th day of October, 2022, in Wenatchee, Washington.
22

23 By /s/ Patrick McMahon
24 PATRICK MCMAHON, WSBA #18809
25
26
27

28 WCRP05-002538/PLE DEC PM SUPP RESP TO MTN FOR DEFAULT-101722
29
30

DECLARATION OF PATRICK
MCMAHON

Page 2

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CERTIFICATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on October 17, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Washington using the CM/ECF system which will send notification of such filing to:

And I certify that I have mailed by United States Postal Service the foregoing to the following non CM/ECF participants:

Milan Richard Havlik, Jr., 119364
Okanogan County Jail
149 N. 4th St.
Okanogan, WA 98840

Signed at Wenatchee, Washington on October 17, 2022.

/s/ Patrick McMahon
PATRICK MCMAHON, WSBA #18809

DECLARATION OF PATRICK
MCMAHON

Page 3

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Francesca N

From: Havey, Reagan (USMS) <Reagan.Havey@usdoj.gov>
Sent: Monday, October 17, 2022 12:31 PM
To: Francesca N
Cc: Pat McMahon; Carrie Franklin
Subject: RE: IMPORTANT FW: HAVLIK/DENNEY - QUESTION RE WAIVERS

Hello Francesca –

In reviewing the records, it was determined the incorrect waiver was filed for CLINE. After consulting with Office of General Counsel, the correct waivers have been submitted to the court and copies will also be served to the plaintiff.

My apologies for the confusion.

Please let me know if you have additional questions.

Kind regards,

Reagan K. Schraner
US Marshals Service
Investigative Analyst – Warrants
Pacific NW Violent Offender Task Force
(509) 842-1415 – Desk
(509) 842-1401 – FAX

From: Francesca N <francescan@carlson-mcmahon.org>
Sent: Friday, October 14, 2022 2:34 PM
To: Havey, Reagan (USMS) <RHavey@usms.doj.gov>
Cc: Pat McMahon <patm@carlson-mcmahon.org>; Carrie Franklin <carrief@carlson-mcmahon.org>
Subject: [EXTERNAL] RE: IMPORTANT FW: HAVLIK/DENNEY - QUESTION RE WAIVERS

Thank you for the quick response Reagan. I appreciated all of your assistance in getting these done originally and hope we can figure out what happened. Look forward to hearing from you. Francesca

From: Havey, Reagan (USMS) <Reagan.Havey@usdoj.gov>
Sent: Friday, October 14, 2022 2:31 PM
To: Francesca N <francescan@carlson-mcmahon.org>
Cc: Pat McMahon <patm@carlson-mcmahon.org>; Carrie Franklin <carrief@carlson-mcmahon.org>
Subject: RE: IMPORTANT FW: HAVLIK/DENNEY - QUESTION RE WAIVERS

Hello Francesca –

I'm actually not in the office today and would need to pull the file to take a look at everything in it's entirety.

I'll do that first thing on Monday as I understand timing is important.

In the mean time I'll try and back track what I have in electronic form!

Reagan K. Schraner
US Marshals Service
Investigative Analyst – Warrants
Pacific NW Violent Offender Task Force
(509) 842-1415 – Desk
(509) 842-1401 - FAX

From: Francesca N <francescan@carlson-mcmahon.org>
Sent: Friday, October 14, 2022 2:17 PM
To: Havey, Reagan (USMS) <RHavey@usms.doj.gov>
Cc: Pat McMahon <patm@carlson-mcmahon.org>; Carrie Franklin <carrief@carlson-mcmahon.org>
Subject: [EXTERNAL] IMPORTANT FW: HAVLIK/DENNEY - QUESTION RE WAIVERS

Good Afternoon Reagan,

I left you a voicemail but needed to detail what the issue is. Today, Plaintiff Pro Se filed a motion for default against us regarding what he claims is the UNSIGNED waiver for Cline (See ECF 41) showing your signature on the process papers on ECF 41-1. If you look at ECF 41-1, Pg 6, you will see that the page for Cline is unsigned. However, that is not the page we sent to you. On Aug 23 I sent my original letter and the first waivers for Denney, Cline and Roberts (first document attached here) and as you can see Pat McMahon signed on behalf of Cline. We also sent you everything via US Mail and also sent full copies to Plaintiff via US Mail at his jail address. On Aug 25 I sent you the correct waiver for Denney and you told me email service was enough that I did not have to US Mail it to you. Then you told me you had everything you needed. Then today we received the motion for default.

So my confusion comes from wondering where page 6 on ECF 41-1 came from as that is not the document I emailed to you to serve. We submitted the signed versions to you for all waivers.

Can you please advise what you believe happened? Attorney McMahon will have to submit some type of response to the Court so we need to find out how this occurred.

Thank you in advance for your assistance in this matter. Best regards, Francesca Hansen, Legal Asst.

From: Francesca N
Sent: Thursday, August 25, 2022 11:17 AM
To: Havey, Reagan (USMS) <Reagan.Havey@usdoj.gov>
Cc: Pat McMahon <patm@carlson-mcmahon.org>; Carrie Franklin <carrief@carlson-mcmahon.org>
Subject: RE: HAVLIK/DENNEY - McMahon Letter to US Marshals Office enclosing Waivers of Service of Summons/Courtesy Copy of NOA

Hello Reagan,

Thanks for the fast response.

Okay, well the attached is what we US Mailed to you along with the cover letter. So just to clarify, the one for Ms. Denney, the top one, was I reading that correctly – meaning I thought that one was both acknowledging receipt of the packet and was also a waiver of service of summons in one form/document – is that correct and we do not need to send

anything further OR do I need to have Pat sign a separate waiver for Ms. Denney like the ones for Cline and Roberts and get that mailed to you today as well? I understand that you do not need the blue acknowledgment forms returned.

Francesca

From: Havey, Reagan (USMS) <Reagan.Havey@usdoj.gov>
Sent: Thursday, August 25, 2022 11:03 AM
To: Francesca N <francescan@carlson-mcmahon.org>
Cc: Pat McMahon <patm@carlson-mcmahon.org>; Carrie Franklin <carrief@carlson-mcmahon.org>
Subject: RE: HAVLIK/DENNEY - McMahon Letter to US Marshals Office enclosing Waivers of Service of Summons/Courtesy Copy of NOA

Good morning!

I just need a signed copy of the **Waiver of the Service of Summons** page for each subject in that 3rd PDF to return to the courts per the order issued 8/4/22.

Please let me know if you have any other questions!!

Enjoy the day!

Kind regards,

Reagan K. Havey
US Marshals Service
Investigative Analyst – Warrants
Pacific NW Violent Offender Task Force
(509) 842-1415 – Desk
(509) 842-1401 – FAX

From: Francesca N <francescan@carlson-mcmahon.org>
Sent: Thursday, August 25, 2022 9:46 AM
To: Havey, Reagan (USMS) <RHavey@usms.doj.gov>
Cc: Pat McMahon <patm@carlson-mcmahon.org>; Carrie Franklin <carrief@carlson-mcmahon.org>
Subject: [EXTERNAL] HAVLIK/DENNEY - McMahon Letter to US Marshals Office enclosing Waivers of Service of Summons/Courtesy Copy of NOA

Good Morning Ms. Havey!

I left you a voicemail but thought perhaps if you saw the documents, it might better help you to answer my question. Our office represents all defendants in this matter. The attached letter and 2nd document (waivers) was sent to you via US Mail a few days ago. The third document/PDF was received in our office from our clients, the actual packet sent from your office.

As you can see from our letter and the 2nd PDF, we completed that paperwork assuming we did it correctly. However, I wanted to check with you to be sure we were not missing any paperwork (such as the acknowledgment forms in blue on top) as this is the first time I've ever had to send papers to the Marshals office rather than e file a waiver. From looking at the first 2 documents (letter and PDF), are we missing any documents/paperwork from the third PDF, the original Marshals packet?

Look forward to hearing from you. Thank you in advance for your assistance. If you prefer to call me (or Attorney McMahon) back rather than email, you can reach me at the number below. Francesca

Francesca Hansen, Legal Assistant
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